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**SEP 22 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Franco Gozzi	:	DECISION ON PETITION
Application No. 10/511,346	:	UNDER 37 C.F.R. §1.28(c)
Patent No. 6,966,460	:	
Filed: October 15, 2004	:	
Issue Date: November 22, 2005	:	
Attorney Docket No. 2541-1027	:	
Title: DEVICE FOR CONTAINING	:	
AND SUPPLYING LOOSE MATERIAL	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 C.F.R. §1.28(c).

37 C.F.R. §1.28(c)(2)(ii) sets forth that the party submitting the deficient payment must include:

- (a) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
- (b) The small entity fee actually paid, and when;
- (c) The deficiency owed amount (for each fee erroneously paid); and
- (d) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Petitioner has meet each of the above requirements save for requirement (b). Petitioner has failed to identify when the small entity fee was actually paid.

Therefore, the petition under 37 C.F.R. §1.28(c) must be **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.28(c)". This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and any renewed petition may be submitted by mail<sup>1</sup>, hand-delivery<sup>2</sup>, or facsimile<sup>3</sup>.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225<sup>4</sup>. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanoski  
Senior Attorney  
Office of Petitions  
United States Patent and Trademark Office

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1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

3 (571) 273-8300- please note this is a central facsimile number.

4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).